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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT B TO DEVELOPMENT PERMIT DP 4279

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Joel Cloutier and Lise Tanguay for Amendment B to Development Permit DP 4279, finds the following facts:

1. Applicants: Cloutier-Tanguay Sugar House
Attn: Joel Cloutier and Lise Tanguay
PO Box 216
Jackman, ME 04945

Agent: William R. Jarvis
PO Box 563
Jackman, ME 04945
2. Date of Completed Application: January 13, 2015
3. Location of Proposal: Sandy Bay Township, Somerset County
Lot #1 on Plan 01, Map SO047
4. Zoning: (M-GN) General Management Subdistrict
(P-WL) Wetland Protection Subdistrict
5. Lot Size: 1 Acres (Leased)
6. Principal Building: Existing Sugar House (24 ft. by 44 ft.)
w/ Existing Enclosed Addition (8 ft. by 28 ft.)
w/ Proposed Enclosed Addition (8 ft. by 16 ft.)
7. Accessory Structures: Existing Generator Shed (8 ft. by 12 ft.)
8. Sewage Disposal: Existing Special Sewage Disposal System with Pit Privy and proposed expansion

PHONE: 207-287-2631

18 ELKINS LANE, HARLOW BUILDING

www.maine.gov/ac

FAX: 207-287-7439

9. Soil Type: 1-C per the Maine State Plumbing Code.
10. Affected Waterbody: Penobscot River

Background

11. Development Permit DP 4279, issued to Warren Libby in December of 1994, authorized the change in use of the sap collection building to a sap collection and processing building, the construction of an 8 foot by 12 foot generator shed and a special sewage disposal system with pit privy.
12. Amendment A to Development Permit DP 4279, issued to Gut and Daniel Begin in August of 2002, authorized the construction of an 8 foot by 28 foot enclosed addition and an 8 foot by 16 foot open addition to the sugar house. The additions to the sugar house would be set back at least 155 feet from the normal high water mark of the Penobscot River, 75 feet from the access road, and 25 feet from the nearest side property boundary line. The 8 foot by 16 foot addition was never constructed.

Proposal

13. The applicants now propose to reapply for the previous authorized 8 foot by 16 foot addition. The proposed addition would be set back at least 155 feet from the normal high water mark of the Penobscot River, 75 feet from the access road, and 25 feet from the nearest side property boundary line. The applicants also propose to update the existing sewage disposal system.
14. The facts are otherwise as represented in Development Permit Application DP 4279, Amendment Request B, and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the amendment request of Cloutier-Tanguay Sugar House with the following conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation is subject to prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken

without approval of the Commission constitutes a violation of Land Use Planning Commission law.

3. Structures authorized under this permit, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances.
4. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning.
5. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
6. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
7. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
8. Topsoil must not be removed from the site except for that necessary for construction activities authorized in this permit. Topsoil must be stockpiled at least 100 feet from any water body.
9. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and conditions of approval. The new owner or lessee should then contact the Land Use P Commission to have the permit transferred into his/her name. If there are no additional changes the transfer can be accomplished on a Minor Change Form.
10. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
11. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
12. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Air and Water Pollution Control Planning; Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services,

Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, a physical E-911 address from your County Commissioner's Office.


13. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
14. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
15. If the permittee holds interest in this parcel of land via a sales contract or other binding agreement, the permittee shall submit a copy of the deed transferring title of this parcel to the Commission upon final execution of such deed.
16. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit further division of the lot in the future. The permittee(s) is (are) hereby advised to consult applicable land use laws and rules and with the Commission prior to any future further division of the lot.
17. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. For parcels that are part of a Commission-approved subdivision, all conditions of the subdivision permit as they pertain to the permittee's parcel shall remain in effect.
18. The additions must be set back a minimum of 155 feet from the normal high water mark of the Penobscot River, 75 feet from the access road and 25 feet from the nearest side property boundary line.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 13th DAY OF JANUARY 2015.

By:

For;


Nicolas D. Livesay, DIRECTOR